

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|----------------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Crim. No. 05-10003-NMG |
| v. |) | |
| |) | |
| ARTHUR GIANELLI, |) | |
| JOSEPH YERARDI, JR., |) | |
| DENNIS ALBERTELLI A/K/A "FISH," |) | |
| PHILIP PUOPOLO, |) | |
| SALVATORE RAMASCI A/K/A "LEFTY," |) | |
| FRANK IACABONI, |) | |
| RANDY ALBERTELLI, |) | |
| STEPHEN RUSSO A/K/A "MOON," |) | |
| MICHAEL PINIALIS A/K/A "MAX," |) | |
| ENEYDA GONZALEZ RODRIGUEZ, |) | |
| MARY ANN GIANELLI, |) | |
| GISELE ALBERTELLI, and |) | |
| RAFIA FEGHI A/K/A RAFIA YERARDI, |) | |
| |) | |
| Defendants. |) | |

MOTION FOR EXTENSION OF TIME AND EXCLUDABLE DELAY

Pursuant to Local Rules 112.2(B) and 116.5, and pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and 3161(h)(8)(A), the government hereby moves (1) for extensions of time for (a) the defendants to submit their joint discovery letter, (b) the government to submit its response, and (c) the next status conference; and (2) for a corresponding period of excludable delay, in the above-captioned case.

In support of this motion, the government states that based upon matters discussed at the previous status conference in this case on June 27, 2006, and subsequent developments, including among other things, the facts that (a) a second superseding indictment in this case was returned on September 13, 2006; (b) several new defendants were added to the case in that second superseding indictment, and the government is providing them with copies of the voluminous discovery previously produced to the other defendants in this case; and (c) the government today is sending

to all of the defendants substantial additional discovery that is related to the new counts and the new defendants in the second superseding indictment; it would be appropriate to change the due dates for the defendants' joint discovery letter, the government's response, and the date of the next status conference, and that a corresponding Speedy Trial Act exclusion should be entered. We believe that such extensions would avoid wasteful duplication of effort by the parties and the court.

Accordingly, it is hereby requested that the defendants' joint discovery letter be due on or about November 30, 2006; that the government's response be due on or about December 21, 2006; and that the next status conference occur on or about October 25, 2006, at which time defendants ARTHUR GIANELLI, JOSEPH YERARDI, JR., DENNIS ALBERTELLI, SALVATORE RAMASCI, FRANK IACABONI, RANDY ALBERTELLI, GISELE ALBERTELLI, and RAFIA FEGHI should be arraigned on the second superseding indictment. It is further hereby requested that the Court enter a Speedy Trial Act period of excludable delay through the last of the rescheduled dates (i.e., on or about December 21, 2006).

The undersigned Assistant United States Attorney has discussed this matter with Charles W. Rankin, Esq. and with Thomas J. Butters, Esq., who stated that they assent to this motion and that although they have not had the opportunity to discuss this motion with the other defense counsel in this case, they believe that the other defense counsel in this case would not object to this motion.

The requested extensions of time and period of excludable delay are likely to conserve judicial resources and to be in the interests of parties and of the public. Thus, the requested extensions of time and period of excludable delay would best serve the ends of justice and outweigh the best interests of the public and the defendant in a speedy trial.

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Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ MICHAEL L. TABAK
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Michael L. Tabak
Michael L. Tabak
Assistant United States Attorney

Date: September 28, 2006